

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Document #

183

Securities and Exchange Commission

U.S.C.A. #

-v-

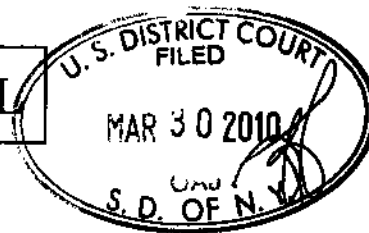
U.S.D.C. # 07 - cv - 0919

Aragon Capital Management, LLC, et al

JUDGE : Frank Maas

DATE : March 30, 2010

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) : THOMAS R. PISARCZYK
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

Balance of file is electronic

all others unavailable at this time

(☒) ORIGINAL RECORD

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 30TH Day of March, 2010

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Securities and Exchange Commission

-v-

Aragon Capital Management, LLC, et al

U.S.C.A. # _____

U.S.D.C. # 07 - cv - 0919

JUDGE : Frank Maas

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CLERK'S CERTIFICATE

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 through , inclusive, constitutes the Original Record On Appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

*Balance of file is Electronic
all others unavailable at this time*

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 30TH Day of March, In this year of our Lord, Two Thousand and Ten, and the Independence of the United States this 234TH year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, ECF, MAGCONSENT, REOPEN

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-00919-FM

Securities and Exchange Commission v. Aragon Capital Management, LLC et al
Assigned to: Magistrate Judge Frank Maas
Cause: 15:77 Securities Fraud

Date Filed: 02/08/2007
Jury Demand: Defendant
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/08/2007	<u>1</u>	COMPLAINT against David Heyman, Heyman & Son Investment Partnership LP, Young Kim, Bahram Delshad, Efrat Rosenthal, Rivka Rosenthal, Aragon Capital Management, LLC, Aragon Partners, LP, Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal, Oren Rosenthal. Document filed by Securities and Exchange Commission.(mbe) (Entered: 02/13/2007)
02/08/2007		SUMMONS ISSUED as to David Heyman, Heyman & Son Investment Partnership LP, Young Kim, Bahram Delshad, Efrat Rosenthal, Rivka Rosenthal, Aragon Capital Management, LLC, Aragon Partners, LP, Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal, Oren Rosenthal. (mbe) (Entered: 02/13/2007)
02/08/2007		Magistrate Judge Frank Maas is so designated. (mbe) (Entered: 02/13/2007)
02/08/2007		Case Designated ECF. (mbe) (Entered: 02/13/2007)
02/14/2007	<u>2</u>	NOTICE OF APPEARANCE by Nancy A Brown on behalf of Securities and Exchange Commission (Brown, Nancy) (Entered: 02/14/2007)
02/16/2007	<u>3</u>	JUDGMENT #07,0310 in favor of Securities and Exchange Commission against Young Kim in the amount of \$ 4010.00. (Signed by Judge Kenneth M. Karas on 2/15/07) (jf) (Entered: 02/20/2007)
03/22/2007	<u>4</u>	AMENDED COMPLAINT amending 1 Complaint, against Young Kim, Noga Delshad, David Heyman, Heyman & Son Investment Partnership LP, Bahram Delshad, Aragon Capital Management, LLC, Aragon Partners, LP, Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal, Oren Rosenthal. Document filed by Securities and Exchange Commission. Related document: 1 Complaint, filed by Securities and Exchange Commission.(jco) (Entered: 03/23/2007)
04/13/2007	<u>5</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Zvi Rosenthal. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(Driscoll, Peter) (Entered: 04/13/2007)
04/13/2007	<u>6</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by David Heyman. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(Lefcourt, Gerald) (Entered: 04/13/2007)
04/13/2007	<u>7</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Heyman & Son Investment Partnership LP. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(Lefcourt, Gerald) (Entered: 04/13/2007)
04/13/2007	<u>9</u>	NOTICE OF APPEARANCE by Efrat Rosenthal (dj) (Entered: 04/17/2007)
04/13/2007	<u>10</u>	NOTICE OF APPEARANCE by Rivka Rosenthal (dj) (Entered: 04/17/2007)
04/13/2007	<u>11</u>	NOTICE OF APPEARANCE by Ayal Rosenthal (dj) (Entered: 04/17/2007)
04/13/2007	<u>12</u>	NOTICE OF APPEARANCE by Amir Rosenthal (dj) (Entered: 04/17/2007)
04/13/2007	<u>13</u>	NOTICE OF APPEARANCE by Oren Rosenthal (dj) (Entered: 04/17/2007)
04/13/2007	<u>14</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Oren Rosenthal. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(cd) (Entered: 04/19/2007)
04/13/2007	<u>15</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Amir Rosenthal. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(cd) (Entered: 04/19/2007)
04/13/2007	<u>16</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Ayal Rosenthal. Related document: 4 Amended Complaint, filed by Securities and Exchange Commission.(cd) (Entered: 04/19/2007)
04/13/2007	<u>17</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Rivka Rosenthal.(cd) (Entered: 04/19/2007)
04/13/2007	<u>29</u>	ANSWER to the Amended Complaint with JURY DEMAND. Document filed by Efrat Rosenthal.(cd) (Entered: 04/20/2007)
04/16/2007	<u>8</u>	NOTICE OF APPEARANCE by Jonathan Mark Redwine on behalf of Securities and Exchange Commission (Redwine, Jonathan) (Entered: 04/16/2007)
04/19/2007	<u>18</u>	SUMMONS RETURNED EXECUTED. Aragon Capital Management, LLC served on 2/8/2007, answer due 2/28/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service)(Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>19</u>	SUMMONS RETURNED EXECUTED. Aragon Partners, LP served on 2/8/2007, answer due 2/28/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service) (Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>20</u>	SUMMONS RETURNED EXECUTED. Zvi Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was accepted by Peter Driscoll. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service)(Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>21</u>	SUMMONS RETURNED EXECUTED. Amir Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service) (Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>22</u>	SUMMONS RETURNED EXECUTED. Ayal Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was accepted by Nina Beattie. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service)(Redwine,

		Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>23</u>	SUMMONS RETURNED EXECUTED. Oren Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Waiver of Service)(Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>24</u>	SUMMONS RETURNED EXECUTED. Noga Delshad served on 3/22/2007, answer due 4/11/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service) (Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>25</u>	SUMMONS RETURNED EXECUTED. David Heyman served on 2/8/2007, answer due 2/28/2007. Service was accepted by Renato Stabile. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service)(Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>26</u>	SUMMONS RETURNED EXECUTED. Heyman & Son Investment Partnership LP served on 2/8/2007, answer due 2/28/2007. Service was accepted by Gerald Lefcourt. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service)(Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>27</u>	SUMMONS RETURNED EXECUTED. Rivka Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service) (Redwine, Jonathan) (Entered: 04/19/2007)
04/19/2007	<u>28</u>	SUMMONS RETURNED EXECUTED. Efrat Rosenthal served on 2/8/2007, answer due 2/28/2007. Service was accepted by Paul Shechtman. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service) (Redwine, Jonathan) (Entered: 04/19/2007)
04/23/2007	<u>30</u>	NOTICE OF APPEARANCE by Barry A. Bohrer on behalf of Bahram Delshad (Bohrer, Barry) (Entered: 04/23/2007)
04/23/2007	<u>31</u>	NOTICE OF APPEARANCE by Renee L. Jarusinsky on behalf of Bahram Delshad (Jarusinsky, Renee) (Entered: 04/23/2007)
04/23/2007	<u>32</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Dismiss. Document filed by Bahram Delshad. (Attachments: # <u>1</u> Memorandum of Law# <u>2</u> Appendix Amended Complaint# <u>3</u> Certificate of Service)(Jarusinsky, Renee) Modified on 4/25/2007 (KA). (Entered: 04/23/2007)
04/23/2007	<u>34</u>	NOTICE OF APPEARANCE by Noga Delshad. The defendant is now Pro se in this action, all correspondences are to be directed to Noga Delshad. Document filed by Noga Delshad. (jpo) (Entered: 04/26/2007)
04/23/2007	<u>35</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Noga Delshad. (jpo) (Entered: 04/26/2007)
04/25/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Renee L. Jarusinsky to RE-FILE Document <u>32</u> MOTION to Dismiss. ERROR(S): Filing Error of Supporting Memorandum. Each document must be filed individually. Event code located under Replies, Opposition and Supporting Documents. (KA) (Entered: 04/25/2007)
04/25/2007	<u>33</u>	ORDER: the <u>32</u> MOTION to Dismiss is DENIED without prejudice for failure to comply with the Court's individual practices and the Local Rules of this District. (Signed by Judge Kenneth M. Karas on 4/24/07) (db) (Entered: 04/25/2007)
04/27/2007	<u>36</u>	SUMMONS RETURNED EXECUTED. Bahram Delshad served on 2/8/2007, answer due 2/28/2007. Service was accepted by Barry Bohrer. Service was made by MAIL. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit Acknowledgment of Service Letter) (Redwine, Jonathan) (Entered: 04/27/2007)
05/01/2007	<u>37</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - PRE-CONFERENCE STATEMENT response to Defendant B.Delshad 4.26.07 letter requesting pre-motion conference(LETTER). Document filed by Securities and Exchange Commission.(Redwine, Jonathan) Modified on 5/2/2007 (KA). (Entered: 05/01/2007)
05/01/2007	<u>38</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - PRE-CONFERENCE STATEMENT Request for Pre-motion Conference(LETTER). Document filed by Securities and Exchange Commission.(Brown, Nancy) Modified on 5/2/2007 (KA). (Entered: 05/01/2007)
05/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Nancy A. Brown to MANUALLY RE-FILE Document No. <u>37</u> Letter. This document is not filed via ECF. (KA) (Entered: 05/02/2007)
05/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Nancy A. Brown to MANUALLY RE-FILE Document No. <u>38</u> Letter. This document is not filed via ECF. (KA) (Entered: 05/02/2007)
06/04/2007	<u>39</u>	NOTICE OF APPEARANCE by Gwen A. Licardo on behalf of Securities and Exchange Commission (Licardo, Gwen) (Entered: 06/04/2007)
06/14/2007	<u>40</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Barry A. Bohrer dated 4/26/2007 re: we would like to file a motion to dismiss the claims against Mr. Delshad in the Amended Complaint. Endorsement: The Court will hold a Pre-Motion Conference set for 7/12/2007 at 12:00 PM before Judge Kenneth M. Karas to discuss Mr. Delshad's desire to file a motion to dismiss and the SEC's desire to file a Motion to Strike certain affirmative defenses - all deadlines are stayed until then. (Signed by Judge Kenneth M. Karas on 6/12/2007) (jar) (Entered: 06/15/2007)
06/19/2007	<u>41</u>	FIRST MOTION for Peter J. Driscoll to Withdraw as Attorney for Zvi Rosenthal. Document filed by Zvi Rosenthal.(Driscoll, Peter) (Entered: 06/19/2007)
06/19/2007	<u>42</u>	AFFIDAVIT OF SERVICE of Driscoll & Redlich's Motion to Withdraw as Counsel for Zvi Rosenthal served on Amir Rosenthal, Ayal Rosenthal, Efrat Rosenthal, Oren Rosenthal, Rivka Rosenthal and Mark K. Schonfeld on June 19, 2007. Service was made by Mail. Document filed by Zvi Rosenthal. (Driscoll, Peter) (Entered: 06/19/2007)
06/19/2007	<u>43</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - (WRONG DEFENDANT SELECTED) NOTICE OF APPEARANCE by Sarah Elizabeth Havens on behalf of Bahram Delshad, Efrat Rosenthal, Rivka Rosenthal, Noga Delshad (Havens, Sarah) Modified on 7/13/2007 (lb). (Entered: 06/19/2007)
06/21/2007	<u>44</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - NOTICE of Letter requesting pre-motion conference to discuss motion for an order permitting Driscoll & Redlich to formally withdraw as counsel of record for defendant Zvi Rosenthal (LETTER). Document filed by Zvi Rosenthal. (Driscoll, Peter) Modified on 7/2/2007 (KA). (Entered: 06/21/2007)
07/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Peter J. Driscoll to MANUALLY RE-FILE Document No. <u>44</u> Letter. This document is not filed via ECF. (KA) (Entered: 07/02/2007)
07/03/2007	<u>45</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Cori Browne dated 6/21/07 re: counsel for Zvi Rosenthal requests a pre-motion conference to discuss a motion for an order permitting Driscoll & Redlich to formally withdraw as counsel of record for Dr. Zvi Rosenthal in this action, pursuant to Local Rule 1.4. ENDORSEMENT: Given the representation of counsel Driscoll & Redlich that it has been discharged, the court will hold a conference on 7/19/07 at 11:00 a.m. Mr. Rosenthal is directed to be served with this endorsement and to be at that conference. (Signed by Judge Kenneth M. Karas on 6/25/07) (pl) (Entered: 07/05/2007)

07/12/2007	<u>46</u>	NOTICE OF APPEARANCE by Sarah Elizabeth Havens on behalf of Efrat Rosenthal, Rivka Rosenthal, Noga Delshad, Oren Rosenthal (Havens, Sarah) (Entered: 07/12/2007)
07/17/2007	<u>47</u>	ORDER GRANTING PLAINTIFF LIMITED DISCOVERY PRIOR TO ENTRY OF A RULE 16(b) SCHEDULING ORDER AND EXEMPTING DEFENDANT BAHRAM DELSHAD FROM DISCOVERY PENDING RESOLUTION OF HIS MOTION TO DISMISS THE COMPLAINT. Plaintiff's application is granted, and Plaintiff shall be permitted to conduct discovery of documents as set forth herein. Notwithstanding any other provision of this Order, Plaintiff shall not take any discovery of or relating to Defendant Bahram Delshad pursuant to this Order, until such time as his proposed Motion to Dismiss has been resolved by the Court, or further order of this Court. (Signed by Judge Kenneth M. Karas on 7/12/07) (djc) (Entered: 07/18/2007)
07/17/2007	<u>48</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Consent under 28 U.S.C. section 636(c) for all purposes (including trial). Referred to Magistrate Judge Frank Maas. (Signed by Judge Kenneth M. Karas on 7/16/07) (djc) (Entered: 07/18/2007)
07/17/2007	<u>49</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Frank Maas. (Signed by Judge Kenneth M. Karas on 7/12/07) (djc) (Entered: 07/18/2007)
07/20/2007	<u>50</u>	ANSWER to Complaint with JURY DEMAND. Document filed by David Heyman.(Lefcourt, Gerald) (Entered: 07/20/2007)
07/20/2007	<u>51</u>	AMENDED ANSWER to with JURY DEMAND. Document filed by Heyman & Son Investment Partnership LP. (Lefcourt, Gerald) (Entered: 07/20/2007)
07/20/2007	<u>52</u>	AMENDED ANSWER to 4 Amended Complaint,. Document filed by Oren Rosenthal. (Havens, Sarah) (Entered: 07/20/2007)
07/20/2007	<u>53</u>	AMENDED ANSWER to 4 Amended Complaint,. Document filed by Noga Delshad. (Havens, Sarah) (Entered: 07/20/2007)
07/27/2007	<u>54</u>	MOTION to Dismiss. Document filed by Bahram Delshad.(Jarusinsky, Renee) (Entered: 07/27/2007)
07/27/2007	<u>55</u>	MEMORANDUM OF LAW in Support re: <u>54</u> MOTION to Dismiss.. Document filed by Bahram Delshad. (Attachments: # <u>1</u> Amended Complaint) (Jarusinsky, Renee) (Entered: 07/27/2007)
07/30/2007	<u>56</u>	MEMO ENDORSEMENT granting <u>41</u> Motion to Withdraw as Attorney. Attorney Peter J Driscoll terminated. Motion granted. Mr. Zvi Rosenthal is directed to have any successor counsel file a notice of appearance by 8/17/2007.(Signed by Judge Frank Maas on 7/30/07) (kco) (Entered: 07/31/2007)
08/01/2007	<u>57</u>	ORDER: Telephone Conference set for 8/22/2007 at 12:00 PM before Magistrate Judge Frank Maas. The SEC shall initiate the conference by calling the main number to chambers, which is (212) 805-6727. The SEC to serve a copy of this Order to the pro se dfts. (Signed by Judge Frank Maas on 8/1/2007) Copies mailed by chambers.(jar) (Entered: 08/02/2007)
08/06/2007	<u>58</u>	AMENDED ANSWER to <u>4</u> Amended Complaint,. Document filed by Amir Rosenthal. (mbe) (Entered: 08/08/2007)
08/13/2007	<u>59</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Robert Knuts dated 8/10/07 re: counsel for the Rosenthal defendants request a promotion conference. ENDORSEMENT: We can discuss this during the 8/22/07 conference. (Signed by Judge Frank Maas on 8/10/07) (db) (Entered: 08/14/2007)
08/17/2007	<u>60</u>	NOTICE OF APPEARANCE; that Dft. Zvi Rosenthal hereby appears Pro Se in this matter and that all future correspondence and papers in connection with this case are to be directed to the undersigned. by Zvi Rosenthal (pl) (Entered: 08/20/2007)
08/22/2007		Minute Entry for proceedings held before Judge Frank Maas : Telephone Conference held on 8/22/2007. (tro) (Entered: 08/24/2007)
08/23/2007	<u>61</u>	ORDER: by 9/14/2007 any motion for a protective order regarding the SEC's nonparty subpoenas for financial records shall be served and filed. By 9/14/2007 the pro se defendants each may serve and file a further amended answer. In the event that a motion for a protective order is filed, the SEC shall serve and file its opposition papers on or before 9/28/2007. All discovery shall be completed within nine months of this order. (Signed by Judge Frank Maas on 8/23/07) (kco) (Entered: 08/24/2007)
08/24/2007	<u>62</u>	DECLARATION of Jonathan M. Redwine in Opposition re: <u>54</u> MOTION to Dismiss.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A)(Brown, Nancy) (Entered: 08/24/2007)
08/24/2007	<u>63</u>	MEMORANDUM OF LAW in Opposition re: <u>54</u> MOTION to Dismiss.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 08/24/2007)
09/12/2007	<u>65</u>	MOTION for an order for entry of a Protective Order along with an Memorandum of Law in support. Document filed by Ayal Rosenthal.(pl) (Entered: 09/17/2007)
09/14/2007	<u>64</u>	REPLY MEMORANDUM OF LAW in Support re: <u>54</u> MOTION to Dismiss.. Document filed by Bahram Delshad. (Jarusinsky, Renee) (Entered: 09/14/2007)
09/14/2007	<u>66</u>	AMENDED ANSWER to Amended Complaint. Document filed by Zvi Rosenthal.(cd) (Entered: 09/17/2007)
09/14/2007	<u>67</u>	AMENDED ANSWER to Amended Complaint. Document filed by Ayal Rosenthal.(cd) (Entered: 09/17/2007)
09/14/2007	<u>68</u>	SECOND AMENDED ANSWER to Amended Complaint. Document filed by Amir Rosenthal.(cd) (Entered: 09/17/2007)
09/18/2007	<u>69</u>	STIPULATION AND ORDER:Now therefore Plaintiff Securities and Exchange Commission and Defendants Oren Rosenthal and Noga hereby agree and stipulate as follows: During the pendency of any claims against them in this action, Defendants Oren Rosenthal and Noga Delshad agree that neither of them will transfer assets totalling more than \$10,000 from within the United States to outside the United States, nor will either of them allow transfers of assets within their respective possession, custody and control totalling more than \$10,000 from the United States to outside the United States. In addition during the pendency of any claims against them in this action, Defendants Oren Rosenthal and Noga Delshad agree that neither of them will transfer assets totalling more than \$10,000 to any other Defendant in this action or any other member of their respective families, provided, however, that Oren Rosenthal and Noga Delshad may transfer assets to any Defendant who: (a) is bound by an Order barring the transfer of assets from within the United States to outside the United States and (b) is not then residing outside the United States at the time of such transfer. All other provisions as set forth in this order. So Ordered (Signed by Judge Frank Maas on 9/17/07) (js) (Entered: 09/19/2007)
09/19/2007	<u>70</u>	STIPULATION AND ORDER: that in order to avoid motion practice regarding the subpoena, that Plaintiff and Dft. Amir Rosenthal have agreed to an interim resolution of their dispute: Plaintiff Securities and Exchange Commission and Defendant Amir Rosenthal hereby agree and stipulate as follows: That during the pendency of any claims against him in this action, Dft. Amir Rosenthal agrees that Rosenthal agrees that he will not transfer assets totaling more than \$10,000 from within the United States to outside the United States in the manner that is set forth in this matter. (Signed by Judge Frank Maas on 9/19/07) (pl) Modified on 9/20/2007 (Lancaster, Patricia). (Entered: 09/20/2007)
09/19/2007	<u>71</u>	STIPULATION AND ORDER: that in order to avoid motion practice regarding the subpoena, that Plaintiff and Relief Defendants have agreed to an interim resolution of their dispute: Plaintiff Securities and Exchange Commission and Relief Defendants Rivka Rosenthal and Efrat Rosenthal agree and stipulate as follows: That during the pendency of any claims against them in this action, Relief Defendants Rivka Rosenthal and Efrat Rosenthal

		agree that neither of them will transfer assets totaling more than \$10,000 from within the United States to outside the United States in the manner that is set forth in this order. (Signed by Judge Frank Maas on 9/17/07) (pl) (Entered: 09/20/2007)
09/28/2007	72	DECLARATION of Nancy A. Brown in Opposition re: 65 MOTION for Protective Order. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit D# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J)(Brown, Nancy) (Entered: 09/28/2007)
09/28/2007	73	MEMORANDUM OF LAW in Opposition re: 65 MOTION for Protective Order.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 09/28/2007)
09/28/2007	74	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Renee L. Jarusinsky dated 9/26/07 re: counsel (Renee L. Jarusinsky) requests that his name be revoked from the docket in this case as an atty of record for Mr. Delshad, and that electronic notification to his e-mail address be terminated. ENDORSEMENT: The Clerk of the Court is respectfully requested to make this change. (Signed by Judge Frank Maas on 9/28/07) (dj) (Entered: 09/28/2007)
10/02/2007	76	MOTION for Leave to File to file a reply in support of the entry of a protective order. Document filed by Ayal Rosenthal.(dj) (Entered: 10/04/2007)
10/03/2007	75	CASE MANAGEMENT PLAN AND SCHEDULING ORDER PURSUANT TO FRCP 16(b): this case is to be tried to a jury. Deposition due by 5/23/2008. Discovery due by 5/23/2008. All other deadlines are set forth in this order. (Signed by Judge Frank Maas on 10/3/07) (kco) (Entered: 10/04/2007)
10/11/2007	77	NOTICE of Request to Withdraw as Counsel. Document filed by Securities and Exchange Commission. (Redwine, Jonathan) (Entered: 10/11/2007)
10/12/2007	78	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jonathan Redwine dated 10/11/07 re: Mr. Redwine is no longer associated with the SEC. ENDORSEMENT: So ordered. (Signed by Judge Frank Maas on 10/12/07) (cd) (Entered: 10/15/2007)
11/16/2007	79	DISCOVERY ORDER denying 65 Motion for Protective Order. In short, the Movants have failed to show good cause. Their motion for a protective order, (Docket No. 65), is therefore denied. So Ordered. "Copies Mailed By Chambers"(Signed by Judge Frank Maas on 11/14/07) (jco) (Entered: 11/19/2007)
11/16/2007	80	MEMO ENDORSEMENT on MOTION TO ALLOW ELECTRONIC FILING BY A PARTY APPEARING WITHOUT AN ATTORNEY AND SUPPORTING INFORMATION ENDORSEMENT: I am advised that it is technically feasible for a pro se litigant to use ECF. Nevertheless, there are shortcomings in the present release of ECF which make that unadvisable. Should the next version be released during the pendency of this case and cure those problems. I will, of course, revisit this issue upon request. (Signed by Judge Frank Maas on 11/14/07) (jco) (Entered: 11/19/2007)
11/16/2007	81	ORDER denying 76 Motion for Leave to File Document. Motion denied. (Signed by Judge Frank Maas on 11/14/07) (jco) (Entered: 11/19/2007)
12/28/2007	82	AMENDED DISCOVERY ORDER re: 79 Order on Motion for Protective Order. In short, the Movants have failed to show good cause. Their motion for a protective order, (Docket No. 65), is therefore denied (Amendment) - as is Ayal's letter-request to the extent it seeks any further relief pursuant to Rule 60(b) of the FRCP. (Signed by Magistrate Judge Frank Maas on 12/28/07) Copies Mailed by Chambers.(db) (Entered: 01/02/2008)
01/16/2008	83	MEMORANDUM DECISION: For the foregoing reasons, Delshad's motion to dismiss the complaint pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, (Docket No. 54), is denied. Additionally, the stay previously entered by Judge Karas is lifted, and Delshad is directed to participate in discovery in accordance with the Case Management Plan and Scheduling Order dated October 3, 2007. So Ordered. (Signed by Magistrate Judge Frank Maas on 1/16/08) (js) (Entered: 01/17/2008)
01/16/2008	84	SCHEDULING ORDER: The Court will hold an in-court conference on January 24, 2008, at 2 p.m., to discuss the issues raised in the Commission's letter and any other issue that counsel or the parties wish to raise. The conference will be held in Courtroom 20A. Defendants Zvi and Amir Rosenthal obviously will have to participate in the conference by telephone. Accordingly, the Commission should make any necessary arrangements with the Federal Correctional Institution at Otisville well in advance of the conference. Additionally, to ensure that we do not waste time during the conference, the Commission is directed to send me courtesy copies of (a) the parties document requests and the responses thereto, and (b) the Commission's proposed protective order by January 17, 2008. So Ordered. (Signed by Magistrate Judge Frank Maas on 1/16/08) (js) (Entered: 01/17/2008)
01/17/2008	85	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 1/16/2008 re: ask that the Court allow us to make a motion to compel the production of documents from all defendants and the relief defendants or in the alternative, to give us permission to take two depositions of defendants and relief defendants. ENDORSEMENT: We will discuss these issues at the conference presently scheduled for 1/24/2008 at 2 pm. (Signed by Magistrate Judge Frank Maas on 1/17/2008) (jar) (Entered: 01/18/2008)
01/22/2008	86	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 1/22/2008 re: Ms. Rementer has proposed 1/28/2008 at 2 p.m. as an alternative time to hold the conference set for 1/24/2008. ENDORSEMENT: The PTC is adjourned to 1/28/2008 at 2 p.m. (Signed by Magistrate Judge Frank Maas on 1/22/2008) (jar) (Entered: 01/23/2008)
01/24/2008	87	FINAL JUDGMENT #08,0126 in favor of Securities and Exchange Commission against David Heyman in the amount of \$ 278,633.00; all but \$47,000 is waived; and in favor of Securities and Exchange Commission against Heyman & Son Investment Partnership LP in the amount of \$ 45,514; all is waived. (Signed by Magistrate Judge Frank Maas on 1/23/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 01/25/2008)
01/28/2008	88	ORDER, the parties shall comply with the Court's discovery and other rulings at the conference. Any defendant who asserts a claim of privilege shall produce a privilege log that complies with Local Civil Rule 26.2. The SEC shall furnish a copy of the transcript of today's conference to each pro se defendant. On or before 2/11/08, the SEC shall submit to the Court a letter regarding its proposed motion for partial summary judgment. The defendants shall have one week after they receive the letter in which to respond. Any discovery relating to defendant Bahram Delshad is stayed until 3/6/08. A further conference shall be held on 3/6/08 at 10 am. (Status Conference set for 3/6/2008 at 10:00 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Frank Maas.) (Signed by Magistrate Judge Frank Maas on 1/28/08) Copies sent by Chambers.(cd) (Entered: 01/29/2008)
01/28/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Conference held on 1/28/2008. (jar) (Entered: 02/06/2008)
02/07/2008	89	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Protective Order. Document filed by Efrat Rosenthal, Rivka Rosenthal, Noga Delshad, Oren Rosenthal. (Attachments: # 1 Declaration of Service)(Havens, Sarah) Modified on 2/8/2008 (KA). (Entered: 02/07/2008)
02/07/2008	90	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 89 MOTION for Protective Order. Document filed by Noga Delshad, Oren Rosenthal. (Havens, Sarah) Modified on 2/8/2008 (KA). (Entered: 02/07/2008)
02/07/2008	91	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Robert Knuts in Support re: 89 MOTION for Protective Order. Document filed by Noga Delshad, Oren Rosenthal. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Havens, Sarah) Modified on 2/8/2008 (KA). (Entered: 02/07/2008)
02/08/2008	92	MOTION for Protective Order CORRECTED to Apply to Defendants Noga Delshad and Oren Rosenthal Only. Document filed by Noga Delshad, Oren Rosenthal.(Havens, Sarah) (Entered: 02/08/2008)

02/08/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Sarah Elizabeth Havens to RE-FILE Document 90 Memorandum of Law in Support of Motion. ERROR(S): Linked to incorrect filing of document #89. Should be linked to refiled motion doc.#92. (KA) (Entered: 02/08/2008)
02/08/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Sarah Elizabeth Havens to RE-FILE Document 91 Declaration in Support of Motion. ERROR(S): Linked to incorrect filing of document #89. Should be linked to refiled motion, doc.#89. (KA) (Entered: 02/08/2008)
02/08/2008	<u>93</u>	DECLARATION of Robert Knuts in Support re: <u>92</u> MOTION for Protective Order <i>CORRECTED to Apply to Defendants Noga Delshad and Oren Rosenthal Only</i> . Document filed by Noga Delshad, Oren Rosenthal. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Havens, Sarah) (Entered: 02/08/2008)
02/08/2008	<u>94</u>	MEMORANDUM OF LAW in Support re: <u>92</u> MOTION for Protective Order <i>CORRECTED to Apply to Defendants Noga Delshad and Oren Rosenthal Only</i> . Document filed by Noga Delshad, Oren Rosenthal. (Havens, Sarah) (Entered: 02/08/2008)
02/14/2008	<u>95</u>	MEMORANDUM OF LAW in Opposition re: <u>92</u> MOTION for Protective Order <i>CORRECTED to Apply to Defendants Noga Delshad and Oren Rosenthal Only</i> . Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 02/14/2008)
02/14/2008	<u>96</u>	DECLARATION of Nancy A. Brown in Opposition re: <u>92</u> MOTION for Protective Order <i>CORRECTED to Apply to Defendants Noga Delshad and Oren Rosenthal Only</i> . Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Brown, Nancy) (Entered: 02/14/2008)
03/06/2008	<u>97</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 3/6/2008 re: Counsel for the Plaintiffs will arrange for Amir Rosenthal and Zvi Rosenthal to participate in the Monday conference by phone and will undertake to arrange their participation with the administrators at the Otisville facility. ENDORSEMENT: SO ORDERED. (Signed by Magistrate Judge Frank Maas on 3/6/2008) (jpo) (Entered: 03/07/2008)
03/06/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Conference held on 3/6/2008. (jp) (Entered: 03/12/2008)
03/07/2008	<u>98</u>	ORDER: Defendants Noga and Oren Rosenthal's motion for a protective order is granted, dated February 7, 2008, is granted except to the following extent: On or before March 20, 2008, counsel for plaintiff and defendants Noga and Oren Rosenthal shall agree upon a protocol whereby the SEC's technology department can review the files and programs contained on the defendants' hard drives and compact discs, with defense counsel being given an opportunity to review the file headings and listings before the SEC is given access to them in order to protect any privilege. The responsive files on Noga Rosenthal's Blackberry shall be produced. Any discovery relating to defendant Behram Delshad is stayed until March 20, 2008. A further conference shall be held on March 10, 2008, at 10 a.m. in Courtroom 9B, United States Courthouse, 500 Pearl Street, New York New York 10007. Only the SEC and Rosenthal defendants need participate in that conference. (Signed by Magistrate Judge Frank Maas on 3/6/2008) Copies Mailed By Chambers.(jpo) (Entered: 03/10/2008)
03/10/2008	<u>99</u>	NOTICE OF APPEARANCE by Bohdan Stephan Ozaruk on behalf of Securities and Exchange Commission (Ozaruk, Bohdan) (Entered: 03/10/2008)
03/10/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Conference held on 3/10/2008. (jp) (Entered: 03/12/2008)
03/11/2008	<u>100</u>	ORDER that the SEC may depose Amir Rosenthal on the topics relevant to its proposed partial summary judgment motion without prejudice to its ability to depose him further at a later date, if necessary. The SEC may move for partial summary judgment. If it does so, defendants shall respond within three weeks after receipt of the SEC's motion. The SEC shall have one week to reply. The SEC shall furnish a copy of the transcript of today's conference and the conference held on March 6, 2008, to each pro se defendant. Defendants Zvi and Amir Rosenthal shall provide the SEC with copies of any subpoenas duces tecum that they cause to be served. SO ORDERED. (Signed by Magistrate Judge Frank Maas on 3/10/2008) (jmi) (Entered: 03/12/2008)
03/13/2008	<u>101</u>	ORDER GRANTING PLAINTIFF LEAVE TO TAKE THE DEPOSITION OF DEFENDANT AMIR ROSENTHAL: the Application is GRANTED; and the Commission may take the deposition of Amir Rosenthal, by any method of recording permitted under the Federal Rules of Civil Procedure, at FCI Otisville, or at any prison to which Amir Rosenthal might be transferred, within the discovery period remaining in this action. (Signed by Magistrate Judge Frank Maas on 3/12/08) (tro) (Entered: 03/14/2008)
03/13/2008	<u>102</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 3/13/08 re: Counsel for Plaintiff, S.E.C. write to respond to the letter of Amir Rosenthal, dated 3/10/08. ENDORSEMENT: Insofar as the issue raised by Amir Rosenthal's 3/10/08 letter relates to depositions, it appears to be mooted (at least for now) by the Commission's decision to serve requests to admit, which will be without prejudice to the Commission's right to serve additional requests later on. To avoid another round of letters, the Commission is directed to provide to Amir (or if their volume precludes that to make available to Ayal) the documents that Amir will require to respond to the requests to admit. (Signed by Magistrate Judge Frank Maas on 3/13/08) (tro) (Entered: 03/14/2008)
04/03/2008	<u>103</u>	ORDER: It is hereby ordered that the application is granted and the Commission may take the deposition of Zvi Rosenthal, by any method of recording permitted under F.R.C.P., at FCI Otisville, or at any prison to which Zvi Rosenthal might be transferred, within the discovery period remaining in this action. (Signed by Magistrate Judge Frank Maas on 4/3/2008) (jpo) (Entered: 04/03/2008)
04/15/2008	<u>104</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Amir Rosenthal dated 4/8/08 re: The Court will hold a telephone conference on 4/17/08 at 10 am. The SEC should initiate the call. ENDORSEMENT: So ordered. (Telephone Conference set for 4/17/2008 at 10:00 AM before Magistrate Judge Frank Maas.) (Signed by Magistrate Judge Frank Maas on 4/14/08) (cd) (Entered: 04/15/2008)
04/17/2008	<u>105</u>	ORDER: 1. The SEC shall furnish the Court with a copy of Amir Rosenthal's responses to its requests for admissions. 2. The SEC shall furnish a copy of Local Civil Rule 26.2 to Amir Rosenthal. 3. Amir Rosenthal's application for a protective order, set forth in his letter to the Court dated April 8, 2008, is denied. 4. Zvi Rosenthal may move to compel the SEC to produce documents relating to allegations of accounting fraud at Taro Pharmaceutical Industries, Limited. 5. Because Zvi and Amir Rosenthal have only limited access to relevant documents at Otisville, the SEC shall provide them with copies of the exhibits it intends to use at their depositions sufficiently far in advance of those depositions to permit them to be reviewed. 6. The deadline for designating expert witnesses is extended to May 30, 2008. 7. A further telephone conference shall be held on May 16, 2008, at 10 a.m. The SEC shall make arrangements for Zvi and Amir Rosenthal to participate. (Telephone Conference set for 5/16/2008 at 10:00 AM before Magistrate Judge Frank Maas.) (Signed by Magistrate Judge Frank Maas on 4/17/08) (tro) Copies Mailed By Chambers. (Entered: 04/18/2008)
04/17/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Conference held on 4/17/2008. (pl) (Entered: 04/23/2008)
04/29/2008	<u>106</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Amir Rosenthal dated 4/24/08 re: Amir Rosenthal requests an extension until 4/25/08 for the Interrogatories to be timely served. ENDORSEMENT: APPLICATION GRANTED. (Signed by Magistrate Judge Frank Maas on 4/29/08) (tro) (Entered: 04/30/2008)
05/02/2008	<u>107</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Robert Knuts dated 5/1/08 re: Request to file the listed discovery-related motions. ENDORSEMENT: The deadline for deposing Efrat Rosenthal is extended to 6/10/08; the motion for a protective order as to the depositions of Zvi and Amir Rosenthal is denied; the SEC is directed to respond to paragraph 1-2 of this letter by 5/8/08; the issues raised in those paragraphs will be discussed at the 5/16/08 ptc, unless I rule in advance of that date. (Deposition due by 6/10/2008.) (Signed by Magistrate Judge Frank Maas on 5/1/08) (cd) (Entered: 05/02/2008)

05/06/2008	<u>108</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy Brown dated 5/1/08 re: Letter of Robert Knuts, dated 5/1/08. ENDORSEMENT: For the reasons set forth above, the motion to compel production of the electronic version of the hard copy documents is denied. On the other hand, unless the SEC reached some other agreement with Ayal, I know of no reason why Mr. Knuts could not arrange with Ayal at minimal cost to copy the discs. (Signed by Magistrate Judge Frank Maas on 5/5/08) (cd) (Entered: 05/07/2008)
05/07/2008	<u>109</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Robert Knuts dated 5/7/08 re: Counsel for defendants Oren Rosenthal and Noga Delshad and relief defendants Rivka and Efrat Rosenthal request a limited extension of the discovery cut-off in order to move the deposition of Amir Rosenthal from 5/19/08 to 5/29/08. ENDORSEMENT: APPLICATION GRANTED. (Deposition due by 5/29/2008.) (Signed by Magistrate Judge Frank Maas on 5/7/08) (tro) (Entered: 05/08/2008)
05/09/2008	<u>110</u>	MOTION for Protective Order. Document filed by Securities and Exchange Commission.(Brown, Nancy) (Entered: 05/09/2008)
05/09/2008	<u>111</u>	DECLARATION of Bruce Karpati in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A)(Brown, Nancy) (Entered: 05/09/2008)
05/09/2008	<u>112</u>	DECLARATION of Nancy M. Morris in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 05/09/2008)
05/09/2008	<u>113</u>	DECLARATION of Nancy A. Brown in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Brown, Nancy) (Entered: 05/09/2008)
05/09/2008	<u>114</u>	MEMORANDUM OF LAW in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 05/09/2008)
05/16/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Status Conference held on 5/16/2008. (djc) (Entered: 06/05/2008)
05/21/2008	<u>115</u>	MOTION to Compel <i>Non-Party Stillman Friedman & Shechtman, P.C. to Comply with Subpoena</i> . Document filed by Securities and Exchange Commission (Brown, Nancy) (Entered: 05/21/2008)
05/21/2008	<u>116</u>	DECLARATION of Nancy A. Brown in Support re: <u>115</u> MOTION to Compel <i>Non-Party Stillman Friedman & Shechtman, P.C. to Comply with Subpoena</i> .. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A)(Brown, Nancy) (Entered: 05/21/2008)
05/21/2008	<u>117</u>	MEMORANDUM OF LAW in Support re: <u>115</u> MOTION to Compel <i>Non-Party Stillman Friedman & Shechtman, P.C. to Comply with Subpoena</i> .. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 05/21/2008)
05/21/2008	<u>118</u>	ORDER: On or before May 19, 2008, Amir and Zvi Rosenthal shall advise the Court about their positions regarding a transfer from Otisville to a Bureau of Prisons facility in New York City. On or before May 30, 2008, Zvi Rosenthal may submit papers in opposition to the SEC's motion for a protective order, dated May 9, 2008. The SEC may continue the deposition of Zvi and Amir Rosenthal for an additional day per witness. The SEC may move to compel the law firm of Stillman, Friedman & Schetman, P.C. to produce documents. The SEC shall furnish Amir Rosenthal with copies of the deposition transcripts of all witnesses who have been deposed. The relevant entries in Rifka Rosenthal's address book shall be produced to the SEC. Oren, Noga, Efrat and Rifka Rosenthal may move for sanctions based on the SEC's failure to produce its electronic copies of hard copy documents obtained during discovery. Fact discovery shall be completed by June 23, 2008. The SEC shall designate its expert witnesses by July 15, 2008, and the defendants shall designate their expert witnesses by August 1, 2008. A further telephone conference shall be held on 7/31/2008 at 10 AM. The SEC shall make arrangements for Zvi and Amir Rosenthal to participate. (Signed by Magistrate Judge Frank Maas on 5/16/08) (Entered: 05/21/2008) (rw) (Entered: 05/21/2008)
05/27/2008	<u>119</u>	MOTION to Withdraw <u>115</u> MOTION to Compel <i>Non-Party Stillman Friedman & Shechtman, P.C. to Comply with Subpoena</i> . Document filed by Securities and Exchange Commission.(Brown, Nancy) (Entered: 05/27/2008)
06/02/2008	<u>120</u>	DEFENDANT ZVI ROSENTHAL'S REPLY TO PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER re: <u>110</u> MOTION for Protective Order. Document filed by Zvi Rosenthal. (rw) (Entered: 06/04/2008)
06/30/2008	<u>121</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 5/27/08 re: Counsel for Plaintiff submit a courtesy copy of their Notice of Withdrawal of their Motion, file 5/21/08, to compel non-party Stillman Friedman & Shechtman, P.C. to comply with their subpoena. ENDORSEMENT: Plaintiff's motion to compel (Docket No. 115) is deemed as moot. Motions terminated: <u>115</u> MOTION to Compel <i>Non-Party Stillman Friedman & Shechtman, P.C. to Comply with Subpoena</i> filed by Securities and Exchange Commission. (Signed by Magistrate Judge Frank Maas on 5/27/08) (tro) (Entered: 07/01/2008)
06/30/2008	<u>122</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from John A. Neuwirth dated 5/23/08 re: Counsel for non-party Taro Pharmaceutical Industries Ltd. request a pre-motion conference to discuss Taro's intended motion to quash the Subpoena. ENDORSEMENT: Rule 45(c)(1) of the Federal Rules of Civil Procedure requires a party serving a subpoena to "take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena." Here, the records have previously been produced to the SEC, which is a party. Accordingly, there is no need to compel the records to be produced a second time by a non party. The subpoena to Taro therefore is QUASHED. (Signed by Magistrate Judge Frank Maas on 6/30/08) (tro) (Entered: 07/01/2008)
07/01/2008	<u>123</u>	DISCOVERY ORDER granting <u>110</u> Motion for Protective Order. The Commission's motion for a protective order (Docket No. 110) is granted. Rosenthal may, however, serve a more focused request for Taro's financial records. (Signed by Magistrate Judge Frank Maas on 7/1/08) Copies Mailed By Chambers. (tro) (Entered: 07/02/2008)
07/01/2008	<u>124</u>	ORDER: For nearly six months, I have been attempting to accommodate the request of defendants Zvi and Amir Rosenthal to review the SEC's documents in this insider trading case. I trust that the counsel and the defendants, along with the Bureau of Prisons and the Marshals Service, will be able to make arrangements which enable pretrial discovery to proceed expeditiously in the manner I have outlined herein. If problems arise, they should be brought to my attention promptly in the form of a letter. I, in turn, will try to address those problems as soon as I can. (Signed by Magistrate Judge Frank Maas on 7/1/08) Copies Mailed By Chambers.(tro) (Entered: 07/02/2008)
07/01/2008	<u>125</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 6/18/08 re: Counsel for Plaintiff S.E.C. write to advise the Court of several outstanding discovery matters listed herein. ENDORSEMENT: 1) I am still attempting to reach a workable accommodation with the BOP. 2) I understand that the address book excerpts have been provided, rendering this application moot. 3) In the absence of any response indicating that the SEC's complaint regarding interrogatory responses lacks merit, Mr. Knuts' clients are directed to provide sworn interrogatory answers by July 11, 2008. If they do not, sanctions will be imposed. 4) In the absence of privilege logs (and which is noticeably absent from Amir's June 20, 2008 letter to the Court), Amir and Zvi have waived any privilege they might otherwise be able to assert as to documents within their possession, custody or control. (Signed by Magistrate Judge Frank Maas on 7/1/08) (tro) (Entered: 07/02/2008)
07/31/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Conference held on 7/31/2008. (dle) (Entered: 08/04/2008)
08/01/2008	<u>126</u>	ORDER that the Bureau of Prisons is requested that Zvi and Amir Rosenthal be transferred back to Otisville FCI, and as further set forth in this document. All discovery shall be completed by 12/5/08. (Discovery due by 12/5/2008.) (Signed by Magistrate Judge Frank Maas on 7/31/08) (cd) (Entered: 08/01/2008)
08/18/2008	<u>127</u>	TRANSCRIPT of proceedings held on 7/31/08 before Magistrate Judge Frank Maas. (ama) (Entered: 08/18/2008)

09/26/2008	<u>128</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 9/26/08 re: Counsel for plaintiff requests permission to file a brief of 40 pages. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 9/26/08) (js) (Entered: 09/29/2008)
10/01/2008	<u>129</u>	MOTION for Partial Summary Judgment. Document filed by Securities and Exchange Commission. Responses due by 10/22/2008(Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>130</u>	RULE 56.1 STATEMENT. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>131</u>	NOTICE of to Pro Se Litigant Who Opposes Summary Judgment re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>132</u>	DECLARATION of Simona K. Suh in Support re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit 1)(Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>133</u>	DECLARATION of James D'Avino in Support re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11)(Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>134</u>	DECLARATION of Nancy A. Brown in Support re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45)(Brown, Nancy) (Entered: 10/01/2008)
10/01/2008	<u>135</u>	MEMORANDUM OF LAW in Support re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 10/01/2008)
10/10/2008	<u>136</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Robert Knuts dated 10/8/08 re: Counsel for defendants request that Your Honor direct Plaintiff to amend the Notice of Motion to delete any reference to Oren, Rivka or Efrat Rosenthal based on Plaintiff's failure to seek the requisite permission to move for partial summary judgment against our clients. In the alternative, we request that Your honor schedule a pre-motion conference to discuss whether or not partial summary judgment motion against our clients is appropriate at t his time and postpone our deadline to respond to Plaintiff's motion accordingly. ENDORSEMENT: The Court will hold a telephone conference to discuss the SEC's inclusion of defendants other than Zv, Amir and Ayal Rosenthal as parties against whom the Commission seeks partial summary judgment. Since the issues to be discussed at that conference do not directly effect those three defendants. I see no need for them to participate (although Ayal may participate if he wishes to do so). I propose to hold that conference on 10/15/08 at 5 p.m. and would ask that Mr. Knub initiate the call. If this date and time are not convenient, counsel (and Ayal if he wishes) should place a conference call to my Chambers to reschedule it. So Ordered. (Signed by Magistrate Judge Frank Maas on 10/10/08) (js) (Entered: 10/14/2008)
10/14/2008	<u>137</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Amir Rosenthal dated 9/29/08 re: Counsel for defendant request that Your Honor extend our time to file a response to the Plaintiff's early Partial Summary Judgment motion from 3 weeks to 8 weeks. ENDORSEMENT: The time for defendants Ayal, Amir and Zvi Rosenthal to respond to the Commission's partial summary judgment motion is extended to 11/26/08. The Reply papers may be served by 12/10/08. The Commission should not be put to the task of conducting document reviews for the defendants. Accordingly, the remaining request set forth in this letter is denied. So Ordered. (Responses due by 11/26/2008) (Signed by Magistrate Judge Frank Maas on 10/14/08) (js) (Entered: 10/15/2008)
10/15/2008		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Status Conference held on 10/15/2008. (tro) (Entered: 10/21/2008)
10/16/2008	<u>139</u>	ORDER that counsel for Oren Rosenthal, Efrat Rosenthal, Rivka Rosenthal, and Noga Delshad shall serve and file opposition papers to plaintiff's motion for partial summary judgment by 11/26/08. Reply papers may be served and filed by 12/17/08. Set Deadlines/Hearing as to <u>129</u> MOTION for Partial Summary Judgment.(Response due by 11/26/2008. Reply due by 12/17/2008.) (Signed by Magistrate Judge Frank Maas on 10/15/08)Copies Mailed By Chambers (cd) (Entered: 10/23/2008)
10/21/2008	<u>138</u>	JUDGMENT #08,1919 in favor of Securities and Exchange Commission against Bahram Delshad in the amount of \$ 555,511.00. (Signed by Magistrate Judge Frank Maas on 10/21/08) (Attachments: # <u>1</u> notice of right to appeal)(nl) (Entered: 10/22/2008)
11/17/2008	<u>140</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Amir Rosenthal dated 11/10/2008 re: Requesting permission to file a reply brief in excess of the Court's 25 page limit. ENDORSEMENT: APPLICATION GRANTED SO ORDERED. (Signed by Magistrate Judge Frank Maas on 11/14/2008) (jpo) (Entered: 11/18/2008)
11/26/2008	<u>141</u>	MEMORANDUM OF LAW in Opposition re: <u>129</u> MOTION for Partial Summary Judgment. Document filed by Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal. (db) (Entered: 11/26/2008)
11/26/2008	<u>142</u>	DECLARATION of Ayal Rosenthal in Opposition re: <u>129</u> MOTION for Partial Summary Judgment. Document filed by Ayal Rosenthal. (db) (Entered: 11/26/2008)
11/26/2008	<u>143</u>	DECLARATION of Ayal Rosenthal in Opposition re: <u>129</u> MOTION for Partial Summary Judgment. Document filed by Ayal Rosenthal. (db) (Entered: 11/26/2008)
11/26/2008	<u>144</u>	RULE 56.1 STATEMENT. Document filed by Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal. (db) (Entered: 11/26/2008)
11/26/2008	<u>145</u>	RULE 56.1 STATEMENT. Document filed by Efrat Rosenthal, Rivka Rosenthal, Noga Delshad, Oren Rosenthal. (Havens, Sarah) (Entered: 11/26/2008)
11/26/2008	<u>146</u>	MEMORANDUM OF LAW in Opposition re: <u>129</u> MOTION for Partial Summary Judgment. Defendant Oren Rosenthal's and Relief Defendants Rivka Rosenthal and Efrat Rosenthal's Opposition to Plaintiff's Motion for Partial Summary Judgment. Document filed by Efrat Rosenthal, Rivka Rosenthal, Oren Rosenthal. (Attachments: # <u>1</u> Declaration of Service)(Havens, Sarah) (Entered: 11/26/2008)
11/26/2008	<u>147</u>	DECLARATION of Robert Knuts in Opposition re: <u>129</u> MOTION for Partial Summary Judgment.. Document filed by Efrat Rosenthal, Rivka Rosenthal, Oren Rosenthal. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6 (Part 1 of 18), # <u>7</u> Exhibit 6 (Part 2 of 18), # <u>8</u> Exhibit 6 (Part 3 of 18), # <u>9</u> Exhibit 6 (Part 4 of 18), # <u>10</u> Exhibit 6 (Part 5 of 18), # <u>11</u> Exhibit 6 (Part 6 of 18), # <u>12</u> Exhibit 6 (Part 7 of 18), # <u>13</u> Exhibit 6 (Part 8 of 18), # <u>14</u> Exhibit 6 (Part 9 of 18), # <u>15</u> Exhibit 6 (Part 10 of 18), # <u>16</u> Exhibit 6 (Part 11 of 18), # <u>17</u> Exhibit 6 (Part 12 of 18), # <u>18</u> Exhibit 6 (Part 13 of 18), # <u>19</u> Exhibit 6 (Part 14 of 18), # <u>20</u> Exhibit 6 (Part 15 of 18), # <u>21</u> Exhibit 6 (Part 16 of 18), # <u>22</u> Exhibit 6 (Part 17 of 18), # <u>23</u> Exhibit 6 (Part 18 of 18))(Havens, Sarah) (Entered: 11/26/2008)
12/04/2008	<u>148</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ayal Rosenthal dated 12/4/08 re: Request for leave to amend the Rule 56.2 statement/brief, filed on 11/26/08. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Frank Maas on 12/4/08) (cd) (Entered: 12/04/2008)

		12/05/2008)
12/15/2008	155	Defendants Zvi Rosenthal, Amior Rosenthal, and Ayal Renthal's Amended Table of Authorities for the Joint Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment. Document filed by Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal. (dj) (Entered: 12/23/2008)
12/15/2008	156	AMENDED RULE 56.1 STATEMENT OF UNDISPUTED FACTS IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT. Document filed by Zvi Rosenthal, Amir Rosenthal. (dj) Modified on 12/23/2008 (dj). (Entered: 12/23/2008)
12/17/2008	149	DECLARATION of James D'Avino in Support re: 129 MOTION for Partial Summary Judgment.. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Brown, Nancy) (Entered: 12/17/2008)
12/17/2008	150	DECLARATION of Nancy A. Brown in Support re: 129 MOTION for Partial Summary Judgment. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Brown, Nancy) (Entered: 12/17/2008)
12/17/2008	151	REPLY MEMORANDUM OF LAW in Support re: 129 MOTION for Partial Summary Judgment. <i>Against Defendants Zvi Rosenthal, Amir Rosenthal and Ayal Rosenthal</i> . Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 12/17/2008)
12/17/2008	152	REPLY MEMORANDUM OF LAW in Support re: 129 MOTION for Partial Summary Judgment. <i>Against Defendant Oren Rosenthal and the Relief Defendants</i> . Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 12/17/2008)
12/17/2008	154	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy Brown dated 12/8/08 re: counsel for plaintiff requests that the Court relieve them from the obligation of providing the pro se defendants with copies of the cases they cited. ENDORSEMENT: The Commission is directed to provide copies of any unpublished cases it cites which were not previously cited by the pro se defendants. In view of the date of this order and the fact that the decisions relate to a reply brief. The Commission shall have two weeks to furnish the copies. (Signed by Magistrate Judge Frank Maas on 12/17/08) (dle) (Entered: 12/18/2008)
12/18/2008	153	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy Brown dated 12/12/08 re: counsel for plaintiff requests that the Court allow them to file a reply brief of 15 pages in response to the pro se Defendants' submission. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 12/17/08) (dle) (Entered: 12/18/2008)
04/27/2009	161	ORDER: (1) Pending a final disposition of this action, Ayal Rosenthal ("Ayal") and his agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, and each of them, shall hold and retain within their control, and otherwise prevent any withdrawal, transfer, pledge, encumbrance, assignment, dissipation, concealment or other disposal of any assets, funds, or other property (including money, real or personal property, securities, commodities, choses in action, business interests or other property of any kind whatsoever) of, held by, or under the control of Ayal, whether held in his name or for his direct or indirect beneficial interest, wherever situated, except that Ayal may spend a maximum of \$3,000 per month for ordinary living expenses without the prior approval of the Court. (2) By April 28, 2009, at 5 p.m., Ayal shall produce to the Commission by facsimile a schedule of his assets. (3) On April 29, 2009, at 10 a.m., Ayal shall appear at the Commission's office to be deposed concerning his assets for a maximum of two hours. (4) Prior to his April 30, 2009, departure, Ayal shall provide to the Commission and my Chambers the address and phone number he will maintain while in Israel. (Deposition due by 4/29/2009.) (Signed by Magistrate Judge Frank Maas on 4/27/09) Copies Mailed by Chambers (db) (Entered: 04/28/2009)
04/27/2009		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Pretrial Conference held on 4/27/2009. (mro) (Entered: 04/30/2009)
04/28/2009	157	DECLARATION of Nancy A. Brown in Support. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8)(Brown, Nancy) (Entered: 04/28/2009)
04/28/2009	158	DECLARATION of James D'Avino in Support. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1)(Brown, Nancy) (Entered: 04/28/2009)
04/28/2009	159	MEMORANDUM OF LAW in Support of Plaintiff's Application for Order to Show Cause. Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 04/28/2009)
04/28/2009	160	CERTIFICATE OF SERVICE of Proposed Order to Show Cause and Supporting Declarations and Memorandum of Law served on Ayal Rosenthal, Oren Rosenthal, Noga Delshad, Rivka Rosenthal, Efrat Rosenthal, Amir Rosenthal, Zvi Rosenthal on 04/27/09. Service was accepted by Ayal Rosenthal, Oren Rosenthal, Noga Delshad, Rivka Rosenthal, Efrat Rosenthal. Service was made by Mail (Amir Rosenthal, Zvi Rosenthal). Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 04/28/2009)
05/07/2009	162	ORDER: For these reasons, I consider the Commission's requests for relief an overreaction. I nevertheless will permit the Commission to serve each defendant other than Ayal with no more than five interrogatories inquiring about any asset transfers that they may have made to him. I further direct that the defendants answer those interrogatories under oath within ten business days after they are received. The defendants are reminded that any false statements made in response to those interrogatories may subject them to criminal prosecution. To the extent that the Commission seeks other or further relief, the requests are denied. Finally, Ayal is directed to furnish the Court and the Commission within ten days with his current address in Israel and an email address that he regularly uses. Should this information change, Ayal is further directed to notify the Court of his new address within ten days. (Signed by Magistrate Judge Frank Maas on 5/7/09) Copies Mailed By Chambers. (tro) (Entered: 05/07/2009)
11/24/2009	163	MEMORANDUM DECISION AND ORDER: For the foregoing reasons, the Commissions motion for partial summary judgment (Docket No. 129) is granted in part and denied in part. The Commission is further directed to settle a proposed final judgment consistent with this Memorandum Decision and Order, on notice to the Defendants, within ten days. Additionally, because Zvi and Amir remain incarcerated, it has been difficult to schedule pretrial conferences. The Commission and the Defendants are therefore requested to submit letters to the Court within ten days describing any discovery that remains outstanding and suggesting what the next steps in this case should be. (Signed by Magistrate Judge Frank Maas on 11/24/2009) Copies Mailed By Chambers. (jfe) (Entered: 11/24/2009)
12/04/2009	164	NOTICE of Settlement. Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order Proposed Judgment) (Brown, Nancy) (Entered: 12/04/2009)
01/22/2010	165	MEMORANDUM DECISION."The decision whether to grant prejudgment interest, and the rate used if such interest is granted, are matters confided to the district court's broad discretion." SEC v. First Jersey Sec., Inc., 101 F.3d 1450, 1476 (2d Cir. 1996). In this case, although I recognize that Oren and the relief defendants are situated somewhat differently than Amir and Ayal, I decline to apply a different prejudgment interest rate to them. Indeed, as the Commission correctly observes, the argument that these defendants now advance regarding the proper rate could have been raised in their papers in opposition to the motion for partial summary judgment but was not. (See letter to the Court from Nancy A. Brown, Esq. dated Dec. 18, 2009, at 1-2). It is too late to raise that argument now. That said, the papers submitted to me in connection with the Commission's partial summary judgment motion did not specify the rights that the Aragon limited partners had with respect to distributions. In particular, while the proceeds of Amir's insider trades deposited into the Aragon account were, in one sense, obviously being held for the benefit of Oren and the relief defendants, the Commission has not shown that they could have withdrawn them. Principally for this reason, I will accede to the request that prejudgment interest with respect to these defendants be assessed only from the date in May 2006 that Amir caused Aragon to distribute funds to them. The Commission should submit to me by February 4, 2010, a corrected proposed judgment incorporating this change. In its letter enclosing the proposed judgment, the Commission also seeks leave to amend its complaint. That request is granted, and the Commission is directed to serve and file its amended complaint by February 4, 2010. Counsel and the pro se defendants are further directed to confer in an attempt to agree on a schedule for the briefing of any motion to dismiss claims newly asserted in the amended complaint. If the parties are able to agree on such a schedule, they should submit the

		proposed dates to me by February 11, 2010. Alternatively, if the parties are unable to agree on a schedule, the Commission should send me a letter by that date advising me of the impasse. I will then issue a scheduling order. Turning to discovery issues, I find that it was reasonable for the Commission to resume asset discovery once any of the defendants ceased providing the required certifications that they were not expatriating assets. In any event, now that partial summary judgment has been granted, the Commission may pursue whatever asset-related discovery it deems appropriate. Any other discovery shall be stayed until the Court rules on any motion(s) to dismiss the amended complaint. Finally, I note that Amir Rosenthal has once again raised the subject of settlement. (See letter to the Court from Amir Rosenthal, dated Dec. 16, 2009, at 1-2 & n.2). I would encourage counsel and the pro se defendants to pursue that subject so that assets which might otherwise be devoted to litigation can be applied to the satisfaction of the Commission's claims in this case. I trust that the parties will let me know if the Court can be of assistance in that regard. SO ORDERED. (Signed by Magistrate Judge Frank Maas on 1/21/2010) Copies Mailed and Faxed By Chambers.(rw) (Entered: 01/22/2010)
01/22/2010		Set Deadlines/Hearings: Amended complaint to be served and filed by 2/4/2010. (rw) Modified on 1/25/2010 (rw). (Entered: 01/22/2010)
01/29/2010	<u>166</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Robert Knuts dated 1/28/2010 re: This firm represents defendants Oren Rosenthal and Noga Rosenthal and relief defendants Rivka Rosenthal and Efrat Rosenthal in the above-captioned action. We write this letter to respectfully request permission to file a motion for reconsideration of Your Honor's memorandum decision filed on January 22, 2010 (the "Memorandum Decision") to the extent that the Memorandum Decision granted leave to the plaintiff SEC to file a second amended complaint in this action. ENDORSEMENT: Mr. Knuts and Amir Rosenthal are both correct. While I anticipated that the SEC would file its amended complaint which the defendants might then seek to dismiss, that is neither the relief the SEC sought nor what the Federal Rules of Civil Procedure contemplate. Accordingly, a revised memorandum decision will be issued (and I apologize for any confusion I may have caused). (Signed by Magistrate Judge Frank Maas on 1/29/2010) (jmi) (Entered: 02/01/2010)
01/29/2010	<u>167</u>	AMENDED MEMORANDUM DECISION re: <u>165</u> Memorandum & Opinion. I have reviewed the proposed judgment submitted by the plaintiff Securities and Exchange Commission. Oren Rosenthal and the relief defendants object to that judgment on two grounds. First, they contend that the use of the IRS underpayment rate as the prejudgment interest rate is unfair. Second, they argue that they did not have use of any proceeds of insider trading until Aragon made distributions to them, and that interest therefore should not be assessed prior to May 2006. (See letter to the Court from Robert Knuts, Esq., dated Dec. 17, 2009, at 1-2). "The decision whether to grant prejudgment interest, and the rate used if such interest is granted, are matters confided to the district court's broad discretion." SEC v. First Jersey Sec., Inc., 101 F.3d 1450, 1476 (2d Cir. 1996). In this case, although I recognize that Oren and the relief defendants are situated somewhat differently than Amir and Ayal, I decline to apply a different prejudgment interest rate to them. Indeed, as the Commission correctly observes, the argument that these defendants now advance regarding the proper rate could have been raised in their papers in opposition to the motion for partial summary judgment but was not. (See letter to the Court from Nancy A. Brown, Esq., dated Dec. 18, 2009, at 1-2). It is too late to raise that argument now. (Signed by Magistrate Judge Frank Maas on 1/29/2010) (jmi) (Entered: 02/01/2010)
01/29/2010	<u>168</u>	JUDGMENT #10,0189 in favor of Securities and Exchange Commission against Aragon Capital Management, LLC, Aragon Partners, LP, Amir Rosenthal, Ayal Rosenthal, Efrat Rosenthal, Noga Delshad, Oren Rosenthal, Rivka Rosenthal, Zvi Rosenthal in the amount of \$ 12,189,703.22. (Signed by Magistrate Judge Frank Maas on 1/29/10) (jf) (Additional attachment(s) added on 2/1/2010: # <u>1</u> notice of right to appeal) (jf). (Entered: 02/01/2010)
02/16/2010	<u>169</u>	MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Securities and Exchange Commission.(Brown, Nancy) (Entered: 02/16/2010)
02/16/2010	<u>170</u>	DECLARATION of Nancy A. Brown in Support re: <u>169</u> MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Brown, Nancy) (Entered: 02/16/2010)
02/16/2010	<u>171</u>	MEMORANDUM OF LAW in Support re: <u>169</u> MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 02/16/2010)
03/08/2010	<u>172</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ayal Rosenthal dated 2/9/2010 re: Requesting that the Court amend the order dated April 27, 2009 to allow me to use a portion of my assets to retain an attorney to represent me in this case. ENDORSEMENT: The request to spend funds for an attorney, which comes after the entry of a \$ 362,000 Judgment against Mr. Rosenthal and without compliance with my prior order concerning financial disclosure is DENIED. (Signed by Magistrate Judge Frank Maas on 3/8/2010) (jpo) Modified on 3/15/2010 (jpo). (Entered: 03/09/2010)
03/08/2010	<u>173</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Nancy A. Brown dated 2/10/2010 re: Requesting that the Court deny Ayal's application and permit the Commission to renew its motion for a permanent injunction against him. ENDORSEMENT: I have (today) denied Ayal's application, and deny without prejudice the Commissions request to renew its motion for a permanent injunction regarding Ayal. (Signed by Magistrate Judge Frank Maas on 3/8/2010) (jpo) (Entered: 03/09/2010)
03/10/2010	<u>180</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Amir Rosenthal dated 3/10/2010 re: Counsel respectfully request permission to file a brief in opposition to plaintiff's motion to amend in excess of the 25 page limit. ENDORSEMENT: Application granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 3/10/2010) (jfe) (Entered: 03/19/2010)
03/12/2010	<u>174</u>	NOTICE OF APPEARANCE by Barry Huntington Junker on behalf of Efrat Rosenthal, Rivka Rosenthal, Noga Delshad, Oren Rosenthal (Junker, Barry) (Entered: 03/12/2010)
03/12/2010	<u>175</u>	MEMORANDUM OF LAW in Opposition re: <u>169</u> MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Efrat Rosenthal, Rivka Rosenthal, Noga Delshad, Oren Rosenthal. (Junker, Barry) (Entered: 03/12/2010)
03/12/2010	<u>176</u>	DECLARATION of Amir Rosenthal in Support re: <u>175</u> Memorandum of Law in Opposition to Motion to Amend the Complaint. Document filed by Amir Rosenthal. (mbe) (Additional attachment(s) added on 3/19/2010: # <u>1</u> 2, # <u>2</u> 3, # <u>3</u> 4, # <u>4</u> 5, # <u>5</u> 6, # <u>6</u> 7) (mbe). (Entered: 03/16/2010)
03/12/2010	<u>179</u>	JOINT MEMORANDUM OF LAW in Opposition re: <u>169</u> MOTION to Amend First Amended Complaint. Document filed by Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal. (nro) (Entered: 03/19/2010)
03/19/2010	<u>177</u>	DECLARATION of Nancy A. Brown in Support re: <u>169</u> MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Brown, Nancy) (Entered: 03/19/2010)
03/19/2010	<u>178</u>	REPLY MEMORANDUM OF LAW in Support re: <u>169</u> MOTION to Amend/Correct <u>4</u> Amended Complaint, Document filed by Securities and Exchange Commission. (Brown, Nancy) (Entered: 03/19/2010)
03/26/2010	<u>181</u>	NOTICE OF APPEAL from <u>168</u> Judgment. Document filed by Zvi Rosenthal, Amir Rosenthal, Ayal Rosenthal. Filing fee \$ 455.00, receipt number E 898629. (tp) (Entered: 03/29/2010)
03/29/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>181</u> Notice of Appeal. (tp) (Entered: 03/29/2010)
03/29/2010		Transmission of Notice of Appeal to the District Judge re: <u>181</u> Notice of Appeal. (tp) (Entered: 03/29/2010)